

REMARKS

Applicant thanks the Examiner for the Interview held on June 6, 2006 and for indicating that the proposed amendments would overcome the art of record.

Claims 1-6 and 8-20 are pending. By this amendment, claims 1, 12, and 19 are amended. Support for the claim amendments can be found at least at page 5, lines 29-30 of the specification. No new matter is introduced. Reconsideration and issuance of a Notice of Allowance are respectfully requested.

Claim Rejections Under 35 U.S.C. §103

On page 4 the Office Action rejects claims 1-6 and 8-20 under 35 U.S.C. § 103(a) over U.S. Patent 5,590,056 to Barritz (hereafter Barritz) in view of U.S. Patent 6,301,615 to Kutcher (hereafter Kutcher). This rejection is respectfully traversed.

Barritz is directed to an apparatus, and a corresponding method, for monitoring usage of computer programs, and similar events, and for recording such events. Kutcher is directed to a system and method for monitoring the performance of computers on a network.

The Office Action asserts that Barritz and Kutcher disclose all of the recited elements including “restarting the performance management software to engage the configuration of the performance management tools,” and cites Barritz at Figure 6, step 310. Specifically, the Office Action asserts on page 3 that Barritz teaches “restarting” because the result of “starting” the performance management software (step 300 in FIG. 6) is the same as “restarting” the performance management software. Applicant respectfully disagrees. Claim 1 recites “restarting the performance management software” as an affirmative step, which is completely lacking in Barritz. Step 300 of Barritz -- Reporting Program Start -- generally corresponds to block 205 of the present application. There is no separate step in Barritz that corresponds to block 235 of the present application, which affirmatively restarts the performance tools. Barritz simply does not include an affirmative step of automatically restarting the performance tools without intervention of an administrator.

The Office Action further states on page 3 that “An interactive user 26 [of Barritz] may request the surveying program 12 to survey a single storage device ... because the operator 26 knows either that a software product has been installed on that storage device 14 or that a software product has been removed from that storage device 14 since the last time the survey program 12 surveyed that device 14,” (emphasis in the original). Consequently, the Office

Action asserts that the reporting program 60 of Barritz must engage the latest system configuration log 66 to reflect these changes. From the cited passage, it is apparent that a user requests to survey a storage device after, e.g., software is installed on that storage device, because the user knows when software is installed or removed. Barritz thus teaches away from automatically restarting the performance tools without intervention of an administrator.

In contrast to Barritz, amended claim 1 recites a method for automatically configuring performance management software in a computer system, comprising inventorying applications and performance management tools ... and automatically restarting, without intervention of an administrator, the performance management software to engage the configuration of the performance management tools. Thus, claim 1 includes features not disclosed or suggested by Barritz and Kutcher. Since all the elements of claim 1 are not disclosed or suggested by Barritz and Kutcher, claim 1 is patentable.

Claims 2-6 and 8-11 depend from patentable claim 1, and for this reason and the additional features they recite, claims 2-6 and 8-11 are also patentable.

Independent claim 12 is an apparatus claim that corresponds to method claim 1. For the same reasons as noted above with respect to claim 1, claim 12 is also patentable. Claims 13-18 depend from patentable claim 12, and for this reason and the additional features they recite, claims 13-18 are also patentable.

Independent claim 19 is a method claim generally corresponding to method claims 1 and 9. For the same reasons as noted above for patentability of claims 1 and 9, claim 19 is also patentable. Claim 20 depends from patentable claim 19, and for this reason and the additional features it recites claim 20 is also patentable.

In view of the above remarks, Applicant respectfully requests withdrawal of the rejection of claims 1-6 and 8-20 under 35 U.S.C. § 103(a). Prompt examination and allowance are respectfully requested.

Appl. No. 09/865,441
Response dated June 30, 2006
Reply to Final Office Action of March 31, 2006

Should the Examiner believe that anything further is desired in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

Date: **June 30, 2006**



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